

7035.0300 DEFINITIONS.

Subpart 1. **Scope.** As used in parts 7035.0300 to 7035.2915, the following terms have the meanings given them in this part.

Subp. 2. **Acceptable daily intake.** "Acceptable daily intake" means the highest concentration of a toxic substance in water that is considered to pose no significant risk to human health when consumed daily over a lifetime.

Subp. 3. **Agency.** "Agency" means the Minnesota Pollution Control Agency, its agent, or representative.

Subp. 4. **Aquifer.** "Aquifer" has the meaning given in part 4725.0100.

Subp. 5. **Ash.** "Ash" means the incombustible material that remains after a fuel or solid waste is combusted.

Subp. 6. **Assets.** "Assets" means all existing and all probable future economic benefits obtained or controlled by a particular entity.

Subp. 7. **Backyard compost site.** "Backyard compost site" means a site used to compost food scraps, garden wastes, weeds, lawn cuttings, leaves, and prunings from a single family or household.

Subp. 7a. **Beneficial use determination.** "Beneficial use determination" refers to standing or case-specific beneficial use determinations under part 7035.2860, subpart 4 or 5, respectively.

Subp. 7b. **Bottom ash.** "Bottom ash" means the residues that remain in a combustion chamber after combustion. An owner or operator may include ash which is carried out of a combustion chamber by the flow of gases and captured by boiler tubes, economizers, or other equipment which captures particulate matter before gases enter air pollution control equipment.

Subp. 8. **Bulking agent.** "Bulking agent" means the material added to a compost system to provide structural support and prevent the settlement and compaction of the decomposing waste.

Subp. 9. **Bulky item.** "Bulky item" means oversized solid waste including appliances, furniture, trees, or other waste that requires extraordinary handling methods to achieve compaction.

Subp. 9a. **By-product lime.** "By-product lime" refers to waste liming materials that are produced when lime is used for processes such as treatment of drinking water, processing of sugar, acetylene production, and miscellaneous other processes.

Subp. 10. **Cell.** "Cell" means compacted solid waste that is enclosed by cover material in a land disposal site.

Subp. 11. **Certified capacity.** "Certified capacity" means the in-place volume granted to an owner or operator of a mixed municipal solid waste land disposal facility for the disposal of mixed municipal solid waste by a certificate of need as issued under Minnesota Statutes, section 115A.917 or 473.823, subdivision 6, and by an agency issued permit.

Subp. 12. **Closure.** "Closure" means actions to prevent or minimize the threat to public health and the environment posed by a closed facility including removing contaminated equipment, removing liners, applying final cover, grading and seeding final cover, installing monitoring devices, constructing ground water and surface water diversion structures, and installing gas control systems, as necessary.

Subp. 13. **Closure document.** "Closure document" means an order, stipulation agreement, or other agency issued or negotiated document that defines specific closure and postclosure care requirements executed at the time a solid waste management facility is closed.

Subp. 14. **Closure plan.** "Closure plan" means a plan for closure of a facility prepared in accordance with part 7035.2625.

Subp. 14a. **Coal combustion slag.** "Coal combustion slag" means the noncombustible coal residue collected in a water-filled hopper at the bottom of a cyclone-type furnace. It is characterized as glassy, angular-shaped particles with diameters ranging from one-tenth to ten millimeters in size.

Subp. 15. **Cocomposting.** "Cocomposting" means the composting of mixed municipal solid waste with a nutrient source or bulking agent.

Subp. 15a. **Combined ash.** "Combined ash" means ash which consists of a mixture of fly ash and bottom ash.

Subp. 16. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Pollution Control Agency.

Subp. 17. **Community water supply.** "Community water supply" has the meaning given it in part 4720.0100.

Subp. 18. **Compliance boundary.** "Compliance boundary" means the planar surface that circumscribes the permitted waste boundary, lies between the permitted waste boundary and the property boundary, extends vertically downward from the land surface, and constitutes the place at which compliance with agency ground water quality standards is measured.

Subp. 19. **Compost facility.** "Compost facility" means a site used to compost or cocompost solid waste, including all structures or processing equipment used to control drainage, collect and treat leachate, and storage areas for the incoming waste, the final product, and residuals resulting from the composting process.

Subp. 20. **Composting.** "Composting" means the controlled microbial degradation of organic waste to yield a humus like product.

Subp. 20a. **Contact water.** "Contact water" means water that has come into contact with source-separated organic material in the tipping area, source-separated organic material in the mixing area, rejects, residuals, or active compost. For purposes of this subpart, compost is active until it has reached PFRP as described in part 7035.2836, subpart 11, item B, subitem (10), and the Solvita maturity index is greater than or equal to five with ammonia greater than or equal to four. An owner or operator may use an alternative test method as provided by part 7035.2836, subpart 9, item B, subitems (3) and (9).

Subp. 21. **Contingency action plan.** "Contingency action plan" means a document setting out an organized, planned, and coordinated course of action to be followed in case of a fire, explosion, or release of solid waste, waste by-products, or leachate that could threaten human health or the environment.

Subp. 22. **Corrective action.** "Corrective action" means the steps taken to repair facility structures including liners, monitoring wells, separation equipment, covers, and aeration devices and to bring the facility into compliance with design, construction, ground water, surface water, and air emission standards.

Subp. 23. **Cover material.** "Cover material" means material approved by the agency that is used to cover compacted solid waste in a land disposal site. Important general characteristics of good cover material are low permeability, uniform texture, cohesiveness, and compactibility.

Subp. 24. **Current assets.** "Current assets" means cash or other assets or resources commonly identified as those that are reasonably expected to be realized in cash, or sold or consumed during the normal operating cycle of the business.

Subp. 25. **Current closure cost estimate.** "Current closure cost estimate" means the most recent estimate prepared in accordance with part 7035.2625.

Subp. 26. **Current contingency action cost estimate.** "Current contingency action cost estimate" means the most recent estimate prepared in accordance with part 7035.2615.

Subp. 27. **Current liabilities.** "Current liabilities" means obligations whose liquidation is reasonably expected to require the use of existing resources properly classifiable as current assets or the creation of other current liabilities.

Subp. 28. **Current postclosure care cost estimate.** "Current postclosure care cost estimate" means the most recent estimate prepared in accordance with part 7035.2645.

Subp. 29. **Decomposition gases.** "Decomposition gases" means gases produced by chemical or microbial activity during the decomposition of solid waste.

Subp. 30. **Demolition debris.** "Demolition debris" means solid waste resulting from the demolition of buildings, roads, and other structures including concrete, brick, bituminous concrete, untreated wood, masonry, glass, trees, rock, and plastic building parts. Demolition debris does not include asbestos wastes.

Subp. 31. **Demolition debris land disposal facility.** "Demolition debris land disposal facility" means a site used to dispose of demolition debris.

Subp. 31a. **Demonstration/research project.** "Demonstration/research project" refers to a limited scale project designed to promote new methods of solid waste management. It is designed to obtain scientific or other information about a specific method for managing solid waste not currently available.

Subp. 32. **Design capacity.** "Design capacity" means the total volume of compacted solid waste, topsoil, intermittent, intermediate, and final cover specified in the facility permit, as calculated from final contour and cross-sectional plan sheets that define the areal and vertical extent of the fill area.

Subp. 33. **Disposal.** "Disposal" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 9.

Subp. 34. **Disposal facility.** "Disposal facility" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 10.

Subp. 35. **Energy recovery facility.** "Energy recovery facility" means a facility used to capture the heat value of solid waste for conversion to steam, electricity, or immediate heat by direct combustion or by first converting it into an intermediate fuel product. Municipal solid waste combustors are included in the definition of energy recovery facilities.

Subp. 35a. **EPA Method 1311.** "EPA Method 1311" means the Toxicity Characteristic Leaching Procedure issued by the United States Environmental Protection Agency as EPA Method 1311 as provided by the Federal Register, volume 55, number 126, June 29, 1990.

Subp. 35b. **EPA Method 1312.** "EPA Method 1312" means the Synthetic Precipitation Leach Test for Soils, which is incorporated by reference in part 7035.0605.

Subp. 35c. **EPA SW-846.** "EPA SW-846" means Test Methods for Evaluating Solid Waste, EPA SW-846, Third Edition, which is incorporated by reference in part 7035.0605.

Subp. 36. **Existing facility.** "Existing facility" means a facility that is in operation or on which construction has commenced on or before the effective date of new and amended parts 7035.0300 to 7035.2875. A facility has commenced construction if the owner or operator has obtained permits and approvals necessary under federal, state, and local statutes, rules, and ordinances and the on-site construction program has begun or

the owner or operator has entered into contractual agreements that cannot be canceled or modified without substantial loss.

Subp. 37. **Facility.** "Facility" means the land, structures, monitoring devices, and other improvements on the land used for monitoring, treating, processing, storing, or disposing of solid waste, leachate, or residuals from solid waste processing.

Subp. 38. **Floodplain.** "Floodplain" means any land that is subject to a one percent or greater chance of flooding in any given year from any source.

Subp. 38a. **Fly ash.** "Fly ash" means ash generated by a combustion facility which is carried out of the combustion chamber by the flow of gases and collected by air pollution control equipment before exhaust gases leave the facility. An owner or operator may include ash which is captured by boiler tubes, economizers, or other equipment which captures particulate matter before gases enter air pollution control equipment.

Subp. 39. **Free liquid.** "Free liquid" refers to the liquid produced when a 100-milliliter representative sample of solid waste is placed on a standard 400-micron conical paint filter for five minutes.

Subp. 40. **Garbage.** "Garbage" means discarded material resulting from the handling, processing, storage, preparation, serving, and consumption of food.

Subp. 41. **Gross revenue.** "Gross revenue" means total receipts less returns and allowances.

Subp. 42. **Ground water; groundwater.** "Ground water" or "groundwater" has the meaning given for groundwater in Minnesota Statutes, section 115.01, subdivision 6.

Subp. 43. **Hazardous substance.** "Hazardous substance" has the meaning given it in Minnesota Statutes, section 115B.02, subdivision 8.

Subp. 43a. **Household hazardous waste.** "Household hazardous waste" has the meaning given in Minnesota Statutes, section 115A.96, subdivision 1, paragraph (b).

Subp. 44. **Independently audited.** "Independently audited" means an audit performed by an independent certified public accountant in accordance with generally accepted auditing standards.

Subp. 45. **Industrial solid waste.** "Industrial solid waste" means all solid waste generated from an industrial or manufacturing process and solid waste generated from nonmanufacturing activities such as service and commercial establishments. Industrial solid waste does not include office materials, restaurant and food preparation waste, discarded machinery, demolition debris, municipal solid waste combustor ash, or household refuse.

Subp. 46. **Industrial solid waste land disposal facility.** "Industrial solid waste land disposal facility" means a site used to dispose of industrial solid waste in or on the land.

Subp. 47. **Inert material.** "Inert material" means the uncompostable material remaining in a compost system after decomposition. Inert material does not include soil particles or other naturally occurring materials that may be found in the compost system.

Subp. 48. **Infectious waste.** "Infectious waste" means waste originating from the diagnosis, care, or treatment of a person or animal that has been or may have been exposed to a contagious or infectious disease. Unless the materials have been rendered noninfectious by procedures approved by the state commissioner of health, infectious waste includes:

A. all wastes originating from persons or animals placed in isolation for control and treatment of an infectious disease;

B. bandages, dressings, casts, catheters, tubing, and similar disposable items which have been in contact with wounds, burns, anatomical tracts, or surgical incisions and which are suspect of being or have been medically verified as infectious;

C. all infectious anatomical waste, including human and animal parts or tissues;

D. infectious sharps and needles;

E. laboratory and pathology waste of an infectious nature; or

F. any other waste, as defined by the state commissioner of health, which, because of its infectious nature, requires handling and disposal in a manner prescribed for items A to E.

Subp. 49. **Intermittent cover.** "Intermittent cover" means cover material that is spread and compacted on the top and side slopes of compacted solid waste at least as often as the end of each operating week unless less frequent placement is approved according to part 7035.2885, subpart 10, item A, in order to control fire, infiltration, dust emissions, and erosion.

Subp. 50. **Intervention limit.** "Intervention limit" means a concentration or measure of a substance which, if found to be exceeded in a sample of ground water, indicates possible ground water pollution from the facility.

Subp. 51. **Karst.** "Karst" means a type of topography that is formed from the dissolution of limestone, dolomite, or gypsum and that is characterized by closed depressions or sinkholes, and underground drainage through conduits enlarged by dissolution.

Subp. 52. **Land disposal facility.** "Land disposal facility" means any tract or parcel of land, including any constructed facility, at which solid waste is disposed of in or on the land.

Subp. 53. **Land pollution.** "Land pollution" means the presence in or on the land of any waste or waste by-products in such quantity, of such nature and duration, and under such condition as would negatively affect any waters of the state, create air contaminants, cause air pollution, or contaminate soils at the site making the site unacceptable for further use.

Subp. 54. **Landspreading.** "Landspreading" means the placement of waste or waste by-products on or incorporation of them into the soil surface.

Subp. 55. **Landspreading site.** "Landspreading site" means any land used for landspreading of waste or waste by-products.

Subp. 56. **Leachate.** "Leachate" means liquid that has percolated through solid waste and has extracted, dissolved, or suspended materials from it.

Subp. 57. **Leachate management system.** "Leachate management system" means the structures constructed and operated to contain, transport, and treat leachate, including liners, collection pipes, detection systems, holding areas, and treatment facilities.

Subp. 58. **Liabilities.** "Liabilities" means probable sacrifices of future economic benefits arising from present obligations to transfer assets or provide services to other entities in the future as a result of past transactions or events.

Subp. 59. **Limit of detection.** "Limit of detection" means the lowest concentration of a substance that can be determined to be statistically different from a blank.

Subp. 60. **Limit of quantitation.** "Limit of quantitation" means the concentration of a substance above which a chemical analysis may occur.

Subp. 61. **Liner.** "Liner" means a continuous layer of reworked natural soil or synthetic materials beneath and on the sides of a land disposal facility, compost facility, or storage area that restricts the downward or lateral escape of solid waste, leachate, or gas.

Subp. 62. **Lower compliance boundary.** "Lower compliance boundary" refers to an approximately horizontal, planar or approximately planar, designated surface located beneath a facility and extending to or beyond the compliance boundary. The lower compliance boundary is the place at or below which compliance with agency standards to protect deeper aquifers is measured.

Subp. 62a. **Manufactured product.** "Manufactured product" means an item that through processing becomes chemically and physically stable and remains so during its intended use. Examples of manufactured products include wallboard, ceiling tile, plywood, lumber, office furniture, containers, and bricks. Items that are not considered manufactured products include materials used in bulk in direct contact with the environment such as flowable fill, lightweight fill, clean fill, and aggregate, and materials used in bulk that are intended to be chemically active such as agricultural soil amendments and fertilizers.

Subp. 62b. **Maximum leachable contaminant levels.** "Maximum leachable contaminant levels" means the numerical standards for the levels in leachate of substances listed in part 7035.2885, subpart 5. They are used to determine design and operational requirements which apply to a municipal solid waste combustor ash land disposal facility.

Subp. 63. **Mixed municipal solid waste.** "Mixed municipal solid waste" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 21.

Subp. 64. **Mixed municipal solid waste land disposal facility.** "Mixed municipal solid waste land disposal facility" means a site used for the disposal of mixed municipal solid waste in or on the land.

Subp. 65. **Monitoring point.** "Monitoring point" means any installation or location used to determine the quality or physical characteristics of ground water, surface water, or water in the unsaturated zone.

Subp. 66. **Monitoring well.** "Monitoring well" has the meaning given it in part 4725.0100, subpart 30a.

Subp. 67. **Municipality.** "Municipality" means a city, village, borough, county, town, sanitary district, or other governmental subdivision or public corporation, or agency created by the legislature.

Subp. 67a. **Municipal solid waste combustor ash.** "Municipal solid waste combustor ash" means ash from combustion of mixed municipal solid waste or refuse-derived fuel at a waste combustor. Municipal solid waste combustor ash does not include ash from waste combustors which accept hazardous waste except in household quantities as allowed by part 7045.0120, item A. Municipal solid waste combustor ash which is managed according to parts 7035.2885 to 7035.2915 is a solid waste, and is not subject to regulation under chapter 7045. Ash from a facility that burns a mixture of mixed municipal solid waste or refuse-derived fuel and infectious waste or other nonhazardous wastes such that 20 percent or more of its heat input is from mixed municipal solid waste or refuse-derived fuel is considered municipal solid waste combustor ash. Ash from a facility that burns a mixture of mixed municipal solid waste or refuse-derived fuel with coal or other fuels is considered municipal solid waste combustor ash if the percentage of mixed municipal solid waste or refuse-derived fuel is such that the facility is considered a waste combustor under applicable state and federal rules and statutes.

Subp. 67b. **Municipal solid waste combustor ash land disposal facility.** "Municipal solid waste combustor ash land disposal facility" means a facility used to dispose of municipal solid waste combustor ash in or on the land.

Subp. 68. **Net income.** "Net income" means revenues minus expenses for an accounting period. It is the net increase (net decrease) in owners' equity (assets minus

liabilities) of an enterprise for an accounting period from profit directed activities. It is recognized and measured in conformity with generally accepted accounting principles.

Subp. 69. **Net working capital.** "Net working capital" means current assets minus current liabilities.

Subp. 70. **Net worth.** "Net worth" means total assets minus total liabilities and is equivalent to owners' equity.

Subp. 71. **Open burning.** "Open burning" means burning any matter whereby the resultant combustion products are emitted directly to the open atmosphere without passing through an adequate stack, duct, or chimney.

Subp. 72. **Open dump.** "Open dump" means a land disposal site at which solid waste is disposed of in a manner that does not protect the environment, is susceptible to open burning, and is exposed to the elements, flies, rodents, and scavengers.

Subp. 73. **Operator.** "Operator" means the person or persons responsible for the operation of a facility.

Subp. 74. **Owner or facility owner.** "Owner" or "facility owner" means the person or persons who own a facility or part of a facility.

Subp. 75. **Parent corporation.** "Parent corporation" means a corporation that directly owns at least 50 percent of the voting stock of the corporation that is the facility owner or operator; the latter corporation is deemed a subsidiary of the parent corporation.

Subp. 76. **Permeability.** "Permeability" refers to hydraulic conductivity or coefficient of permeability, not intrinsic permeability, and has the dimensions of distance per unit time. Permeability is the measure of the ability of a soil or rock medium to transmit ground water flowing under a hydraulic gradient of one unit of change in head per unit change in length.

Subp. 77. **Permitted waste boundary.** "Permitted waste boundary" means the perimeter or outer limit of the waste fill, leachate piping, and leachate holding and treatment areas at a solid waste land disposal facility, as specified in the permit for the facility issued by the agency.

Subp. 78. **Person.** "Person" means any human being, any municipality or other governmental or political subdivision or other public agency, any public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing, or any other legal entity, but does not include the Pollution Control Agency.

Subp. 79. **Personnel; facility personnel.** "Personnel" or "facility personnel" means all persons who work at or oversee the operation of a solid waste management facility, and whose actions or failure to act may result in noncompliance with the requirements of parts 7035.0300 to 7035.2875.

Subp. 79a. **Petroleum contaminated soil.** "Petroleum contaminated soil" has the meaning given it in part 7037.0100, subpart 15.

Subp. 79b. **Petroleum contaminated soil land treatment site.** "Petroleum contaminated soil land treatment site" has the meaning given the term "land treatment site" in part 7037.0100, subpart 8.

Subp. 80. **Piezometer.** "Piezometer" means a type of monitoring well or other device that is constructed for the purpose of measuring hydraulic head in ground water.

Subp. 81. **Pollutant.** "Pollutant" has the meaning given it in Minnesota Statutes, section 115.01, subdivision 12.

Subp. 82. **Postclosure; postclosure care.** "Postclosure" and "postclosure care" mean actions taken for the care, maintenance, and monitoring of a facility after closure that will prevent, mitigate, or minimize the threat to public health and environment posed by the closed facility.

Subp. 83. **Postclosure care plan.** "Postclosure care plan" means the plan for postclosure care prepared in accordance with part 7035.2645.

Subp. 84. **Process to further reduce pathogens.** "Process to further reduce pathogens" means high temperature composting, heat drying, heat treatment, thermophilic aerobic digestion, or other methods that will achieve similar levels of pathogen reduction.

Subp. 85. **Property boundary.** "Property boundary" means the line circumscribing parcels of land entirely enclosing the facility.

Subp. 86. **Public water supply.** "Public water supply" has the meaning given in part 4720.0100.

Subp. 87. **Radioactive waste.** "Radioactive waste" has the meaning given it in Minnesota Statutes, section 116C.71, subdivision 6.

Subp. 87a. **Recyclable materials.** "Recyclable materials" refers to marketable materials that are separated from mixed municipal solid waste for the purpose of recycling, including paper, glass, plastics, metals, automobile oil, and batteries. Refuse-derived fuel or other material that is destroyed by incineration is not a recyclable material. For purposes of part 7035.2860, recyclable materials also refers to marketable materials separated from industrial solid wastes and construction and demolition debris. Recyclable materials may also be referred to as secondary materials.

Subp. 87b. **Recycling.** "Recycling" means the process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of recyclable materials in a manner that precludes further use.

Subp. 88. **Recycling facility.** "Recycling facility" means a facility where only recyclable materials are received and prepared for reuse in their original form or for use in manufacturing processes that do not cause the destruction of the materials in a manner that precludes further use. The recyclable materials must:

A. fit the definition of mixed municipal solid waste prior to separation for recycling;

B. not include items which have been prohibited by state law from disposal or placement in mixed municipal solid waste, unless approved by the commissioner;

C. have been separated from other mixed municipal solid waste by the generator prior to collection; and

D. not be hazardous as defined in chapter 7045, except for household hazardous waste. Recyclable materials that are defined as household hazardous waste in part 7045.0131, subpart 1, and Minnesota Statutes, section 115A.96, subdivision 1, paragraphs (a) and (b), may be accepted at the facility for recycling if they are managed in accordance with part 7045.0310.

"Recycling facility" does not include an individual generator of recyclable materials, such as a homeowner, a business, or a government agency, and it does not include a manufacturer using recyclable materials as feedstock.

Subp. 89. **Refuse.** "Refuse" means putrescible and nonputrescible solid wastes, including garbage, rubbish, ashes, incinerator ash, incinerator residue, waste combustor ash, street cleanings, and market and industrial solid wastes, and including municipal treatment wastes which do not contain free moisture.

Subp. 90. **Refuse collection service.** "Refuse collection service" means a public or private operation engaged in solid waste collection and solid waste transportation.

Subp. 91. **Refuse-derived fuel.** "Refuse-derived fuel" means the product resulting from techniques or processes used to prepare solid waste by shredding, sorting, or compacting for use as an energy source.

Subp. 92. **Regional flood.** "Regional flood" has the meaning given it in Minnesota Statutes, section 103F.111, subdivision 10.

Subp. 92a. **Rejects.** As applied to source-separated organic material compost facilities, "rejects" means:

A. inorganic materials that cannot be rendered into a humus-like material;

B. materials that are unacceptable due to permit conditions;

C. materials that are unacceptable according to subpart 99a, item B; or

D. materials that are unacceptable according to subpart 105a, items B and C.

Subp. 93. **Release.** "Release" has the meaning given it in Minnesota Statutes, section 115B.02, subdivision 15.

Subp. 93a. [Renumbered subp 93c]

Subp. 93b. **Residuals.** As applied to source-separated organic material compost facilities, "residuals" means organic materials that require further composting due to their large size, such as tree branches.

Subp. 93c. **Rolling data set.** "Rolling data set" means a set of data, such as test results, which represents a specified period of time; at a specified frequency the data set changes to include more recent data and exclude data which are older than the beginning of the specified time period.

Subp. 94. **Rubbish.** "Rubbish" means nonputrescible solid wastes, including ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, or litter of any kind.

Subp. 95. **Run-off.** "Run-off" means any liquid that drains over land from any part of a facility.

Subp. 96. **Run-on.** "Run-on" means any liquid that drains over land onto any part of a facility.

Subp. 96a. **Segregated household hazardous waste.** "Segregated household hazardous waste" means household hazardous waste that is separated from other solid waste or arrives at a solid waste management facility separated from other solid waste.

Subp. 97. **Septage.** "Septage" has the meaning given it in part 7080.0020, subpart 31.

Subp. 98. **Sewage sludge.** "Sewage sludge" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 29.

Subp. 99. **Sludge.** "Sludge" has the meaning given it in Minnesota Statutes, section 116.06, subdivision 21.

Subp. 99a. **Small compost site.** "Small compost site" means a site that:

- A. is used to compost:
 - (1) food scraps;
 - (2) yard waste;
 - (3) poultry litter generated on site only if the compost produced is used on site;
 - (4) nonrecyclable paper; or
 - (5) compostable materials meeting ASTM D6400 or ASTM D6868, incorporated by reference under part 7035.0605;

B. does not accept fats, oils, grease, meat, dairy, animal manure, diapers, or sanitary products;

C. does not exceed 120 cubic yards on site at any one time;

D. is where the materials under item A are managed to:

(1) minimize odor;

(2) avoid the creation of nuisances and public health risks;

(3) prevent groundwater contamination as required by part 7035.2565, subparts 1 and 2;

(4) prevent surface water contamination as required by part 7035.2565, subparts 1 and 2;

(5) comply with air pollution rules as required by part 7035.2565, subpart 3;
and

(6) minimize soil contamination as required by part 7035.2565, subpart 4;
and

E. is not located in a floodplain, shoreland, or wetland according to part 7035.2555.

Subp. 100. **Solid waste.** "Solid waste" means garbage, refuse, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded waste materials and sludges, in solid, semisolid, liquid, or contained gaseous form, resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include hazardous waste; animal waste used as fertilizer; earthen fill, boulders, rock; sewage sludge; solid or dissolved material in domestic sewage or other common pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents or discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act, as amended, dissolved materials in irrigation return flows; or source, special nuclear, or by-product material as defined by The Atomic Energy Act of 1954, as amended.

Subp. 101. **Solid waste collection.** "Solid waste collection" means the gathering of solid waste from public or private places.

Subp. 102. **Solid waste land disposal facility.** "Solid waste land disposal facility" means a facility used to dispose of solid waste in or on the land.

Subp. 103. **Solid waste management facility.** "Solid waste management facility" means a facility for the storage, collection, transportation, processing or reuse, conversion, or disposal of solid waste.

Subp. 104. **Solid waste storage.** "Solid waste storage" means the holding of solid waste for more than 48 hours in quantities equal to or greater than ten cubic yards.

Subp. 105. **Solid waste transportation.** "Solid waste transportation" means the conveying of solid waste from one place to another, by means of vehicle, rail car, water vessel, conveyor, or other means.

Subp. 105a. **Source-separated organic material.**

A. "Source-separated organic material" means:

(1) source-separated compostable materials and yard waste, as defined under Minnesota Statutes, section 115A.03, except sanitary products and diapers;

(2) vegetative wastes generated from industrial or manufacturing processes that prepare food for human consumption; and

(3) compostable materials that meet the standards in ASTM D6400 and ASTM D6868, incorporated by reference under part 7035.0605.

B. Unless specifically permitted by the commissioner under part 7001.0150, source-separated organic material does not include:

(1) animal wastes such as manure or carcasses;

(2) fish wastes generated from industrial or manufacturing processes;

(3) meat by-products generated from industrial or manufacturing processes;

(4) sanitary products; or

(5) diapers.

C. Source-separated organic material does not include:

(1) septage; or

(2) sewage sludge, as defined in part 7041.0100, subpart 49.

Subp. 105b. **Source-separated organic material compost facility.** "Source-separated organic material compost facility" means:

A. a site used to compost source-separated organic material;

B. all structures or processing equipment used to compost source-separated organic material; and

C. all structures or equipment used to:

(1) control drainage;

(2) manage contact water;

(3) manage storm water;

- (4) manage incoming material;
- (5) manage the finished product; or
- (6) manage rejects and residuals resulting from the composting process.

Subp. 106. **Stabilization test.** "Stabilization test" refers to a series of physical or chemical measurements taken during the pumping of a monitoring well at single well-volume intervals to determine the point at which stagnant water within the monitoring well has been removed.

Subp. 107. **State.** "State" means the state of Minnesota.

Subp. 108. **Sum of the current cost estimates.** "Sum of the current cost estimates" means the sum of the current cost estimates for closure, postclosure care, and corrective actions.

Subp. 109. **Surface water compliance boundary.** "Surface water compliance boundary" means the designated vertical plane located between a solid waste management facility and a surface water body at which compliance with agency standards to protect surface water is measured.

Subp. 110. **Tangible net worth.** "Tangible net worth" means the assets that remain after deducting liabilities, not including intangible assets such as good will and rights to patents or royalties.

Subp. 110a. **Tipping floor.** "Tipping floor" means an area onto which solid waste is unloaded and staged for reloading into processing equipment or transport vehicles, or for removal of recyclable materials. Tipping floor includes containers or trucks when used to consolidate waste for future transport.

Subp. 111. **Transfer facility.** "Transfer facility" means a facility in which solid waste from collection vehicles is compacted or rearranged for subsequent transport. A transfer facility may be fixed or mobile.

Subp. 111a. **Treatment.** "Treatment" means the physical or chemical change of a waste for the purpose of reducing or controlling pollution or the release of contaminants into the environment.

Subp. 111b. **Unadulterated wood.** "Unadulterated wood" means wood that does not contain contaminants present as a result of manufacturing or use of the wood. Examples of contaminants include paints, varnishes, stains, glues, resins, or chemicals used to prevent rotting.

Subp. 111c. **Vector.** "Vector" means any organism capable of transporting infectious agents to or from a source-separated organic material compost facility. Examples of vectors are rodents, flies, mosquitoes, and birds.

Subp. 111d. **Vector intrusion.** "Vector intrusion" means a situation where vectors are present resulting in a nuisance condition at a source-separated organic material compost facility.

Subp. 112. **Waste.** "Waste" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 34.

Subp. 113. **Waste boundary.** "Waste boundary" means the perimeter around the area permitted for filling with waste at a disposal facility.

Subp. 114. **Waste by-products.** "Waste by-products" means the liquids or gases or other residues resulting from waste disposal, processing, or treatment activities.

Subp. 115. **Waste collection service.** "Waste collection service" means a public or private operation engaged in solid waste collection and transportation.

Subp. 115a. **Waste combustor.** "Waste combustor" means any stationary source, emissions unit, or emission facility where waste or refuse-derived fuel is combusted, and includes incinerators, energy recovery facilities, or other combustion devices.

Subp. 116. **Waste containment system.** "Waste containment system" means the system used to control the movement of solid waste, gas, and leachate generated from the solid waste disposed of at a land disposal facility.

Subp. 117. **Water monitoring system.** "Water monitoring system" means a system of monitoring points in the vicinity of a facility that is used to determine the quality or physical characteristics of ground water, surface water, and water in the unsaturated zone.

Subp. 118. **Water table.** "Water table" means the surface of the ground water at which the pressure is atmospheric. Generally this is the top of the saturated zone.

Subp. 119. **Wetland.** "Wetland" means a surface water feature classified as a wetland in the publication entitled "Classification of Wetlands and Deep Water Habitats of the United States," written and published by the United States Fish and Wildlife Service Biological Services Program, FWS 035-71/31, December 1979, which is incorporated by reference. The publication is not subject to frequent change.

Subp. 120. **Working face.** "Working face" means that portion of the land disposal facility where waste is discharged and is spread and compacted prior to the placement of cover material.

Subp. 121. **Yard waste.** "Yard waste" means the garden wastes, leaves, lawn cuttings, weeds, and prunings generated at residential or commercial properties.

Statutory Authority: *MS s 115.03; 115A.97; 116.07*

History: *L 1987 c 186 s 15; 13 SR 1150; 15 SR 2106; 16 SR 2321; 17 SR 1279; 17 SR 2914; 19 SR 2330; 28 SR 1086; 30 SR 529; 39 SR 857*

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